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6 *Attorney for Defendant,*
7 *ALLSTATE FIRE AND*
CASUALTY INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10

11 BRENDA THOMPSON,

12 Plaintiff,

13 vs.

14 ALLSTATE INSURANCE COMPANY,

15 Defendant.
16

CASE NO.: 2:17-cv-00181-JCM-VCF

**STIPULATION TO EXTEND TIME TO
COMPLETE DISCOVERY
(THIRD REQUEST)**

17 Pursuant to L.R. IA 6-1, the parties, through their respective undersigned counsel, jointly
18 submit this Stipulation to Extend Time to Complete Discovery. This is the second request made
19 by the parties.

20 **1. Status of Discovery to date:**

21 Plaintiff made her initial disclosures as required by FRCP 26(a)(1) on March 14, 2017
22 and made a supplemental disclosure on May 16, 2017. Defendant made its initial disclosures as
23 required by FRCP 26(a)(1) on March 16, 2017 and made a supplemental disclosure on March 27,
24 2017. On March 29, 2017, Defendants served their first sets of Interrogatories, Requests for
25 Production of Documents, and Requests for Admissions on Plaintiff. On April 20, 2017, Plaintiff
26 served her first set of Requests for Production of Documents on Defendant.

27 Defendant responded to that set on May 22, 2017. Plaintiff responded to Defendant's first
28 set of discovery on July 5, 2017 and July 12, 2017. Defendant propounded its 2nd Set of

1 Requests for Production of Documents on July 10, 2017 to which Plaintiff responded on
2 September 13, 2017. In the interim, Defendant supplemented its disclosures on August 1, 2017
3 and Plaintiff propounded her 2nd Set of Requests for Production on August 10, 2017. Defendant
4 responded to those requests on October 2, 2017.

5 On March 5, 2018, Defendant has produced additional documents in response to the
6 requests for production subject to agreed-upon terms of a stipulated protective order regarding
7 confidentiality of the documents.

8 On March 5, 2018, Defendant has also produced a privilege log in response to certain
9 productions made pursuant to FRCP 26 and to Plaintiff's requests for production.

10 Additionally, Defendant has taken the deposition of Plaintiff Brenda Thompson.

11 Additionally, Defendant has served subpoenas duces tecum upon various medical
12 providers as well as the Las Vegas Metropolitan Police Department and the Las Vegas Fire &
13 Rescue. In particular, Defendant has served medical provider Dr. Marjorie Belsky and
14 Integrated Pain Specialists with both a subpoena duces tecum and a deposition notice for the
15 FRCP 30(b)(6) witness for the medical practice related to Dr. Belsky and Integrated Pain
16 Specialists. Importantly, there is an independent Federal Court action entitled *Allstate Insurance*
17 *Company et al. v. Marjorie Belsky, MD et al.*, 2:15-cv-2265-MMD-CWH. As a result of this
18 other action, counsel in the present action have had to coordinate with Dr. Belsky's personal
19 counsel in order to obtain records and to set her deposition. The records have now been
20 obtained. Counsel are working on setting Dr. Belsky's deposition, in both her personal capacity
21 as well as the FRCP Rule 30(b)(6) witness for her medical practice.

22 Additionally, Plaintiff has noticed FRCP Rule 30(b)(6) depositions for Defendant
23 Allstate as well as four (4) individual depositions. There have been discovery issues raised with
24 respect to these depositions going forward. Counsel for the parties have conducted no less than
25 three telephone calls in attempt to resolve these issues. It is agreed that the FRCP Rule 30(b)(6)
26 depositions on the first two categories can move forward. Allstate has agreed to bring these
27 witnesses to Las Vegas and scheduling is underway.

28 However, the parties are still conferring on the third category which specifically
addresses Allstate's investigation regarding issues of the other Federal Court Action, *Allstate*

1 *Insurance Company et al. v. Marjorie Belsky, MD, et al.* In that case, Allstate alleges amongst
2 other things, that Dr. Belsky committed insurance fraud in treating the Plaintiffs. There are
3 significant issues which have not been resolved, focusing primarily upon issues of attorney client
4 privilege. The Parties herein seek a dispute resolution conference with the Court to address this
5 particular discovery issue.

6 Additionally, Defendant is attempting to obtain potential additional discovery materials
7 from the other Federal Court action, *Allstate Insurance Company et al. v. Marjorie Belsky, MD,*
8 *et al.* Notably, counsel for Defendant Allstate in this matter is different from counsel for Allstate
9 in the other Federal Court action.

10 The parties need additional time to resolve these discovery disputes, possibly including
11 possible motion practice, and to complete additional necessary discovery before they exchange
12 expert reports. Further discovery, including disclosure of experts, is dependent upon the
13 discovery sought. The parties wish to extend existing deadlines by 120 days. The parties have
14 conferred regarding potential deposition dates.

15 The parties propose to extend the dates as follows:

16 **2. Proposed Discovery Schedule:**

17 **a. Subjects of Discovery:**

18 The subjects of discovery shall remain as set forth in the parties' initial Discovery Plan.

19 **b. Discovery Cut-off date:**

20 The parties request that this discovery cut-off date be extended from April 18, 2018 to
21 August 28, 2018.

22 **c. Amending the Pleadings/Adding Parties:**

23 The parties do not request a change to the deadline as neither party intends to amend the
24 pleadings or add parties.

25 **d. Initial Expert disclosures:**

26 The parties request that the deadline for initial expert disclosures be extended from
27 February 17, 2018 to June 17, 2018.

28 **e. Rebuttal Expert disclosures:**

The parties request that the deadline for rebuttal expert disclosures be extended from

1 March 19, 2018 to July 19, 2017.

2 **f. Dispositive motions:**

3 The parties request that the deadline for dispositive motions be extended from
4 May 18, 2018 to September 28, 2018

5 **g. Pre-Trial Order:**

6 The parties request that the deadline for the Pre-trial Order be extended from June 17,
7 2018 to October 17, 2018. If dispositive motions are pending, the deadline will be suspended
8 until 30 days after the decision(s) on the dispositive motions or further court order.

9 **h. Discovery Conference**

10 The parties will be filing a motion for discovery dispute resolution with the Court in
11 order to bring resolution to current discovery dispute.

12 RESPECTFULLY SUBMITTED this 9 day of March, 2018.

13 PYATT SILVESTRI

MATTHEW L. SHARP, LTD.

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23 /s/ Dennis M. Prince
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1 **ATTESTATION OF CONCURRENCE IN FILING**

2 I hereby attest and certify that on, March 9, 2018, I received concurrence from Plaintiff's
3 counsel, Matthew L. Sharp, Esq. and Dennis M. Price, Esq., to file this document with their
4 respective electronic signatures attached.

5 I certify under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

7 Dated: March 9, 2018.

8
9 /s/ James P.C. Silvestri
10 JAMES P.C. SILVESTRI, ESQ.
11 Nevada Bar No. 3603

12 **ORDER**

13 IT IS SO ORDERED.

14 DATED this 13th day of March, 2018.

15
16 
17 _____
18 UNITED STATES MAGISTRATE JUDGE

1 **CERTIFICATE OF SERVICE**

2 Pursuant to FRCP 5(b), I hereby certify that I am an employee of PYATT SILVESTRI,
3 and that on the 9th day of March, 2018, I deposited in the United States Mail at Las Vegas,
4 Nevada, postage fully prepaid, a true and correct copy of the foregoing **STIPULATION TO**
5 **EXTEND TIME TO COMPLETE DISCOVERY (THIRD REQUEST)**, and I also
6 electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which
7 will send a notice of electronic filing to the following:

8
9 Matthew L. Sharp, Esq.
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17 An employee of PYATT SILVESTRI
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